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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)*

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations on 19 December 2013, in addition to information provided by the Government of Argentina and that available in public sources. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

* A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas) (see ST/CS/SER.A/42).

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I. General

1. The Falkland Islands (Malvinas) is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland, comprising two large islands, known as East and West Falkland, as well as hundreds of smaller islands, and a total area of about 12,173 km^2. The Islands are situated in the South Atlantic, about 770 km north-east of Cape Horn and about 480 km east of the South American mainland. South Georgia, located about 1,300 km south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 km east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate territory; the Governor of the Falkland Islands (Malvinas) acts concurrently as Commissioner for South Georgia and the South Sandwich Islands. The population of the Falkland Islands (Malvinas) is more than 2,500 (not including residents temporarily absent and civilians working in conjunction with the Ministry of Defence), the largest population recorded since 1931. A dispute exists between the Governments of Argentina and the United Kingdom concerning sovereignty over the Falkland Islands (Malvinas), as established by the General Assembly in its resolution 2065 (XX) and subsequent relevant resolutions on the question of the Falkland Islands (Malvinas).

II. Constitutional and political issues

2. The Constitution approved in 2008, which came into force on 1 January 2009 (Statutory Instrument 2008, No. 2846), has been protested by Argentina (see A/63/542, annex I). Under the Constitution, members of the legislature elect a Speaker to preside over sittings of the Legislative Assembly. A Chief Executive is appointed by the Governor in agreement with the Legislative Assembly as head of the public service to implement policy. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Assembly who are elected annually from their own number, in addition to two ex officio members who have no voting rights. The Attorney General and the Commander of British Forces on the Islands have the right to attend meetings of the Executive Council but do not vote. The United Kingdom-appointed Governor has responsibility for foreign policy and defence. By the terms of the Constitution, the Governor, with the advice and consent of the Legislative Assembly, may make laws for the peace, order and good government of the Territory, while full power to make such laws is reserved for the British Crown.

3. Out of the eight members of the Legislative Assembly, elected on 7 November 2013 for a four-year term, five hail from the Territory's urban constituency (Stanley) and three from the Camp (i.e., outside the Territory's only town). Governor Nigel Haywood took up his duties in 2010 and is expected to be succeeded by Colin Roberts in April 2014. The next general elections for members of the Legislative Assembly are expected to be held in November 2017.

4. In the course of 2013 and early 2014, Argentina and the United Kingdom continued to reiterate their respective positions regarding various constitutional, military and economic aspects of the sovereignty dispute over the Territory. That action included written démarches and the issuance of press releases by Argentina on 10 June in connection with the observance of the "Day of Affirmation of Argentine rights over the Malvinas Islands" and other areas; remarks made by the

President of Argentina in a Security Council meeting in August while her country held the Council presidency and other messages such as a note to the United Nations on 3 January 2014. It also included written démarches and statements by the United Kingdom before the United Nations, such as a letter to the United Nations dated 10 February 2014, and elsewhere, rejecting territorial and other claims made by Argentina and attaching great importance to the principle of self-determination (see A/67/754, A/67/832, A/67/865, A/67/880, A/67/954, A/68/698 and A/68/747).

5. According to the administering Power, on 10 and 11 March 2013 a total of 99.8 per cent of the electorate voted in a referendum to maintain the Islands' current political situation as a British Overseas Territory, with an overall voter turnout of 92 per cent: in its view, the Islanders thus expressed their right to self-determination as granted under Article 1 (2) of the Charter of the United Nations, article 1 of the International Covenant on Civil and Political Rights and General Assembly resolution 2625 (XXV).

6. For its part, Argentina repeatedly rejected the exercise as illegal under the relevant United Nations resolutions on the question of the Falkland Islands (Malvinas) and as a serious distortion of the spirit of self-determination (see also section X.B. below). Argentina's position was supported by other countries and by regional organizations such as the Bolivarian Alliance for the Peoples of Our America (ALBA), the Southern Common Market (MERCOSUR) and the Union of South American Nations (UNASUR), which stated that the referendum in no way changed the essence of the question of the Islands and did not end the sovereignty dispute.

7. Additional information on the respective positions of the administering Power and the Government of Argentina can be found below.

III. Budget

8. The Territory's financial year runs from 1 July to 30 June. According to the administering Power, the 2012/13 operating budget amounted to approximately £54 million. The Territory makes every effort to maintain a balanced budget.

IV. Economic conditions

A. General

9. The gross domestic product (GDP) of the Islands was estimated by the administering Power at £142 million per annum. The per capita GDP is approximately £44,000. The fishing industry remains the most important sector of the economy (accounting for about 60 to 70 per cent of GDP), with the tourism sector and other sectors, such as livestock production and processing, witnessing growth in recent years. The Falkland Islands (Malvinas) has a very low rate of unemployment, which was recorded as less than 1 per cent in 2012, with almost 20 per cent of the people in employment having more than one job. In 2013, the Territory's Infrastructure Development Plan identified key areas that would help to support economic growth. According to the administering Power, the newly elected Legislative Assembly considers the Plan a priority.

B. Fisheries and livestock

10. The Loligo, or *doryteuthis*, and Illex species of squid are the mainstay of the fisheries and economy of the Falkland Islands (Malvinas). According to the administering Power, the Fisheries Department is responsible for administering the sector in the Territory. A November 2013 Oxford Analytica brief states that the Territory's annual income from fisheries amounts to just over $30 million. The acidic and infertile soils of the Islands, coupled with a windy and cool oceanic climate, naturally limit the cultivation of fields and focus the agriculture sector on rearing animals. Wool remains the main land-based export. The Department of Agriculture is responsible for administering the sector, recently promoting the development of a meat industry and of farming adjusted to produce dual-purpose sheep that would maximize returns from both meat and wool. The Territory has an ongoing five-year business plan in support of agriculture. In 2013, 58,000 sheep and lambs were reportedly processed.

C. Tourism

11. Tourism is a significant contributor to the Territory's economy, valued at approximately £9.5 million per year. According to the administering Power, there has been a measurable expansion in the Falkland Islands (Malvinas) tourism sector, with inbound tourism increasing by over 17 per cent in 2012; however, the 2012 cruise season closed with a total of 29,533 passenger arrivals, pointing to a further decline in cruise ship passengers, which has been occurring year on year. During 2013, work was under way to update the Territory's tourism development strategy to help boost sustainable land-based tourism in the Islands.

D. Transport, communications and utilities

12. The Territory has approximately 1,000 km of roads. According to the administering Power, during 2013, work in upgrading roads connecting outlying settlements and farms continued. In addition, a coastal shipping service, a regular ferry service and local air services ensured communications to settlements on the east, west and outlying islands.

13. In 2013, LAN Airlines continued to provide a regular weekly service between Punta Arenas, Chile, and the Falkland Islands (Malvinas), including two monthly stopovers in Río Gallegos, mainland Argentina, in accordance with the provisions of the Joint Statement of 14 July 1999 between Argentina and the United Kingdom. Under the Exchange of Notes Flights and Navigation Agreement of February 2001, private flights are authorized, as are a number of medical evacuation flights from the Falkland Islands (Malvinas) to mainland Argentina and Chile.

14. In February 2010, in response to hydrocarbon-related activities carried out in waters around the Falkland Islands (Malvinas), Argentina issued Presidential Decree 256/2010 requiring authorization measures for vessels calling at Argentine ports or crossing Argentine waters. In this connection, in 2013 and early 2014, at a number of meetings, including the annual meeting of the ministers for foreign affairs of the Group of 77 and China, the Ibero-American Summit of Heads of State and Government, the Caribbean Community (CARICOM) and the Community of Latin

American and Caribbean States (CELAC), in addition to those of MERCOSUR and UNASUR, it was recalled that the General Assembly, by resolution 31/49, had called upon both parties to the dispute to refrain from introducing unilateral modifications in the situation. The members of MERCOSUR and UNASUR had previously decided to close their ports to "vessels flying the illegal flag of the Malvinas Islands". In 2013, implementation of those decisions continued.

15. For its part, during 2013, the United Kingdom continued to consider that the aforementioned Presidential Decree 256/2010 was not compliant with international law, including the United Nations Convention on the Law of the Sea, and to contend that, under international law, the Islanders had the right to develop their economy, including natural resources, for the Territory's benefit. In its communications to the United Nations, the United Kingdom also continued to protest against measures aimed at isolating the Islanders and harming their economy and to express the hope that their wishes would be respected, allowing them to develop their economy and home in peace.

16. Concerning telecommunications, the introduction of Island-wide rural broadband access improved the situation within and outside the Territory. Approximately 75 per cent of households are connected to broadband Internet. With respect to utilities, a major wind farm meets approximately 26 per cent of urban electricity needs. Wind turbines are used in homesteads and small settlements.

E. Environment and hydrocarbons

17. According to the administering Power, the Territory works to uphold a number of environmental treaties and conventions. For its part, Argentina has rejected the territorial application of those treaties and conventions by the United Kingdom on the grounds that the Territory and its surrounding maritime areas are an integral part of Argentina.

18. In 2013, environmental projects included the continued conservation of penguins and seabirds, the eradication of rats from sensitive wildlife sites and a review of the network of protected areas. In early 2014, media and other reports indicated that the Territory lacked baseline standards on development control, such as statutory environmental impact assessments for major developments and strategic development plans.

19. During 2013, offshore exploration for hydrocarbons continued amid protest from Argentina, other Member States and regional organizations (see section VIII below). According to official sources, during 2012 and 2013, the Energy Secretariat of Argentina carried out administrative proceedings against six companies developing unauthorized hydrocarbon exploration activities in the area. As a result, in accordance with section 3 of Law 26.659, the offending companies received a 15- to 20-year ban on operating in the country.

20. Following the joint communiqué issued by the MERCOSUR Presidential Summit held in Montevideo on 12 and 13 July 2013, the Energy Ministers of the Latin American Energy Organization (OLADE) meeting in Punta Cana, Dominican Republic, adopted on 29 November 2013 a decision that highlighted their strongest support for the legitimate rights of the Argentine Republic in the sovereignty dispute over the Malvinas, South Georgia Islands and South Sandwich Islands and the

surrounding maritime areas and the recognition of the right of the Republic of Argentina to take legal actions against unauthorized hydrocarbon exploration and exploitation activities in Argentina's continental shelf.

21. Further, according to official sources, in December 2013, Argentina adopted Law 26.915, which amended Hydrocarbons Law 26.659, introducing criminal definitions and penalties for those engaging directly or indirectly through a third party in any type of hydrocarbon exploration, extraction, transportation and/or storage activities within the Argentine continental shelf without authorization by Argentine authorities. Argentina sent advisory letters to companies directly or indirectly involved in those activities.

22. Also in December 2013, the administering Power expressed its position to Argentina that under international law, the continental shelf did not form part of Argentina; supported the right of the Islanders to develop their natural resources for their own economic benefit as an integral part of their right of self-determination; and rejected the applicability of Argentine domestic legislation to those companies engaged in the Islands' hydrocarbon activities. For its part, Argentina formally rejected that position and protested to the United Kingdom, reaffirming its sovereignty position.

V. Social conditions

A. General

23. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The European Convention for the Protection of Human Rights and Fundamental Freedoms and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, have been extended to the Falkland Islands (Malvinas) by the administering Power.

24. For its part, Argentina has consistently rejected the territorial application by the United Kingdom of the various international instruments mentioned above, in addition to the designation of the Territory as an overseas territory of the United Kingdom or any other similar designation.

B. Public health

25. According to information transmitted by the administering Power, the general state of public health in the Territory is good. Medical and dental treatment is free to all residents under a health agreement. There is one hospital in the Territory, which offers modern facilities with medical, dental and nursing staff, but no resident qualified optician. More complex treatments require medical evacuation (see sect. IV.D above).

C. Social security and welfare

26. According to the administering Power, the Falkland Islands Retirement Pensions Ordinance provides for mandatory fixed monthly contributions by all

employers and employees between the ages of 17 and 64. A system of social welfare grants and pensions is in place to address cases of hardship and disability. A minimum wage has recently been introduced. As at December 2013, all employers are required to pay a minimum hourly rate of £5.05 to workers aged 18 or over and £3.10 for workers aged 16 and 17.

D. Education

27. Education in the Territory is free and compulsory for all children between the ages of 5 and 16, with access to preschool (nursery) education from the age of 4. According to the administering Power, in 2013 approximately 425 schoolchildren were registered (42 of whom were based in rural areas). There is a 100 per cent enrolment rate for all children of school age in the Islands. The current teacher/student ratios for primary school and secondary school are 1:24 and 1:13 respectively.

28. According to information provided by Argentina, inhabitants of the Falkland Islands (Malvinas) enjoy equality of access to the Argentine public education system. Additional information on the subject is contained in the 2013 report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (A/68/66, section II.B).

VI. Mine clearance and related matters

29. Under the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, known also as the Ottawa Convention, States parties are obliged to clear anti-personnel mines in mined areas within 10 years of the Convention's entry into force, unless an extension is granted under the Convention.

30. In November 2008, the Ninth Meeting of States Parties to the Ottawa Convention granted the United Kingdom an extension until 1 March 2019. The United Kingdom proceeded with the clearance of four mined areas in the Territory in 2010 and conducted a three-month follow-up phase of land release in 2012. According to the administering Power, a further project to clear five mine fields was completed in March 2013, while a review of options for additional demining projects began later in the year.

31. As previously reported, in December 2009, the Second Review Conference of the Ottawa Convention granted the request of Argentina for an extension until 1 January 2020. At the Thirteenth Meeting of States Parties to the Ottawa Convention, held in Geneva from 2 to 5 December 2013, Argentina stated that mine-clearing planning would be developed in detail and implemented as soon as it exercised control over the areas in question, subject to a sovereignty dispute, or when both Argentina and the United Kingdom reached agreement over making progress in such planning.

VII. Participation in international organizations and arrangements

32. According to information provided by the administering Power, the Government of the Falkland Islands (Malvinas) attends various Commonwealth forums and is a member of the United Kingdom Overseas Territories Association and the South Atlantic Territories Cooperation Forum. Further, its representatives also participate in other international meetings affecting the Islanders' interests to reflect their own views. In 2013, these included the European Union Forum of the Overseas Countries and Territories Association in Brussels in December 2013 and an international meeting of the Commercial Fisheries Research Foundation held in Rhode Island, United States of America, in October 2013. It is the United Kingdom Government's position that the Islanders attend all meetings affecting their interests in their own right.

VIII. Consideration by intergovernmental organizations and forums

33. During meetings held in 2013 and January 2014, intergovernmental entities, including regional and subregional organizations, such as the Third Africa-South America Summit (Malabo, 22 February 2013), ALBA (Caracas, 10 March 2013), the General Assembly of the Organization of American States (OAS) (Antigua, Guatemala, 4 to 6 June 2013), MERCOSUR (Montevideo, 11 and 12 July 2013), UNASUR (Paramaribo, 30 August 2013), the Group of 77 and China (New York, 26 September 2013), the twenty-third Ibero-American Summit of Heads of State and Government (Panama City, 18 and 19 October 2013), OLADE (Punta Cana, Dominican Republic, 29 November 2013) and the second Summit of CELAC (Havana, 29 January 2014) addressed the question of the Falkland Islands (Malvinas) and, among other things, reaffirmed the need for Argentina and the United Kingdom to resume negotiations to find a peaceful solution to the sovereignty dispute. Most of those organizations rejected the aforementioned hydrocarbon-related and military-related activities of the United Kingdom, while some, including the Ibero-American Summit, CELAC, MERCOSUR and UNASUR, also requested the Secretary-General to renew his good offices on the question and keep them informed.

34. In January 2014, noting that on 26 March 2013, the Presidents pro tempore of CELAC, MERCOSUR and UNASUR, together with the Minister for Foreign Affairs and Worship of Argentina, met with the Chair of the Special Committee and the Secretary-General to reaffirm the regional interest in a resumption of negotiations between Argentina and the United Kingdom over the sovereignty dispute, the CELAC Heads of State and Government expressed support for the good offices mission of the Secretary-General, including information about progress made.

35. For his part, in 2013, the Secretary-General provided oral information on the issue, including in the course of bilateral meetings held in the context of the sixty-eighth session of the General Assembly.

36. The United Kingdom is not a member of the aforementioned organizations and has not been represented at any of the aforementioned meetings, with the exception of that of OAS, where it has observer status. Exercising its right of reply, the United

Kingdom responded to Argentina at the 2013 General Assembly of OAS, reiterating its view of the Islanders' right to self-determination and the importance for the international community of recognizing the March 2013 referendum results. Further, the United Kingdom continued to reject any suggestion that hydrocarbon exploration amounted to unilateral action on its part and was being carried out in contravention of General Assembly resolution 31/49, supported the Islanders in developing their own economy and future, including their decision to exploit their natural resources, and rejected any suggestion that military assets in the South Atlantic were subject to reinforcement or that it was allegedly militarizing the region.

IX. Future status of the Territory

A. Position of administering Power

37. In a statement on 12 March 2013, the Prime Minister of the United Kingdom, David Cameron, referring to the aforementioned Islanders' referendum, reiterated the commitment of the United Kingdom to support and uphold the Islanders' right to self-determination. In his view, the Falkland Islanders had spoken clearly about their future: they wanted to remain British, and that view should be respected by everybody, including by Argentina. In a further statement, the Foreign Secretary, William Hague, said that he welcomed the referendum result, which demonstrated more clearly than ever the Falkland Islanders' wish to remain an Overseas Territory of the United Kingdom. He noted that the United Kingdom had always been clear that it believes in the rights of the Falklands people to determine their own futures and to decide on the path they wish to take. It was only right that, in the twenty-first century, those rights be respected. All countries should accept the results of the referendum and support the Falkland Islanders as they continued to develop their home and their economy, the Foreign Secretary maintained.

38. In addition, in a message to the Islanders broadcast on 20 December 2013, the Prime Minister reiterated that the Government of the United Kingdom would continue to support the Falkland Islands Government in countering the Argentine Government's campaign to claim the Islands' resources and to damage the Islands' economy.

39. In exercise of the right of reply to the remarks made by the President of Argentina in the Security Council on 6 August 2013 and in the General Assembly on 24 September 2013, the Permanent Representative of the United Kingdom, among other things, stated that his Government attached great importance to the principle of self-determination as set out in Article 1 (2) of the Charter and article 1 of the International Covenant on Civil and Political Rights, rejected claims by Argentina that the United Kingdom was militarizing the South Atlantic and confirmed the United Kingdom's commitment to its obligations under the Treaty of Tlatelolco (see A/67/865). In the view of the administering Power, there could be no negotiations on the sovereignty of the Islands unless and until such time as the Islanders so wished.

B. Position of the Government of Argentina

40. The President of Argentina, Cristina Fernández de Kirchner, presiding over a meeting of the Security Council on 6 August 2013 during a high-level open debate on cooperation between the United Nations and regional and subregional organizations in the maintenance of international peace and security, referred in her national capacity as the representative of Argentina to the question of the Falkland Islands (Malvinas).

41. Ms. Fernández de Kirchner stated that there was conflict owing to the failure to respect a resolution of the United Nations concerning the need for her country and the United Kingdom to begin talks and negotiations in the context of what the United Nations decided in resolution 2065 (XX), adopted in 1965, concerning the sovereignty of the Malvinas. In her view, this was not a capricious position, nor was it about saying again "We are right". Argentina was simply saying that it wanted the United Nations resolution to be implemented and that both countries should sit down and discuss this litigious and controversial matter. She believed that there was a way to begin to unblock such conflicts.

42. The speaker went on to say that it had been pointed out that there were differing opinions on this question. One could have such opinions on matters that had not been resolved by the United Nations. However, when the Organization, to which all had signed on and whose resolutions all were committed to respecting, adopted a resolution in the General Assembly — the highest organ of the Organization — it was no longer a matter of differing opinions: it was about a United Nations resolution and about whether or not one was ready to comply with his/her obligations as Members (see S/PV.7015).

43. Further, as reflected in the official records of the sixty-eighth session of the General Assembly, the President of Argentina addressed the forum on 24 September 2013, stating, among other things, that Argentina had been waiting since 1965, when the plenary and many resolutions of the Assembly and the Committee on Decolonization required both Argentina and the United Kingdom to sit down to dialogue. The President went on to say that there was a dispute over the matter of sovereignty over the Malvinas and yet, the United Kingdom had turned a cold shoulder, while militarizing the southern Atlantic region and sending nuclear submarines there (see A/68/PV.7).

44. Additional information on the position of the Government of Argentina can be found in section X.A below.

X. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

45. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 8th and 9th meetings, on 20 and 21 June 2013, as reflected in documents A/AC.109/2013/SR.8 and 9. At its 8th meeting, the Special Committee decided to accede to the requests of the delegations of Angola, Argentina, Brazil,

Colombia, Costa Rica, Cyprus, Dominican Republic, El Salvador, Ghana, Guatemala, Mauritania, Mexico, Namibia, Peru, Spain, Turkey, United Arab Emirates and Uruguay to participate in the Committee's consideration of the item.

46. At the same meeting, during the hearing of petitioners and in line with usual practice, the Special Committee heard statements by Sharon Halford and Mike Summers of the Legislative Assembly of the Falkland Islands (Malvinas), as well as Alejandro Betts and Maria Angélica del Carmen Vernet (see A/AC.109/2013/SR.8).

47. Further, at the 8th meeting, the representative of Chile, also on behalf of Bolivia (Plurinational State of), Cuba, Ecuador, Nicaragua and Venezuela (Bolivarian Republic of), introduced draft resolution A/AC.109/2013/L.7, which the Special Committee adopted without a vote. In the resolution, the Special Committee reiterated that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) was the negotiated settlement of the dispute over sovereignty, in accordance with the relevant General Assembly resolutions.

48. The Minister for Foreign Affairs and Worship of Argentina, Héctor Marcos Timerman, made a statement at the same meeting of the Special Committee, on 20 June 2013. He stated, among other things, that on 3 January 1833, a British naval force had expelled the legitimate Argentine authorities and population from the Islands and that the colonial dispute remained unresolved, compromising the territorial integrity of Argentina. Mr. Timerman went on to say that in an effort to justify its military presence in the South Atlantic and its illegitimate appropriation of renewable and non-renewable natural resources, contrary to the provisions of resolution 31/49, the British Government continued to invoke spuriously the principle of self-determination and to refuse to engage in dialogue. He expressed the view that the United Nations had always reaffirmed that the principle of self-determination was not applicable to the question as it did not concern a people under alien subjugation. Rather, the matter was a "special and particular colonial situation" owing to the sovereignty dispute between Argentina and the United Kingdom. The Minister for Foreign Affairs and Worship added that the British Government had held a so-called self-determination referendum in which the approximately 1,500 British citizens residing in the Malvinas Islands had predictably voted in favour of preserving the colonial situation, underlining that the initiative had not been called for or approved by the United Nations, and that no States had sent official observers, despite the considerable efforts expended by British diplomats.

49. Continuing, the Minister for Foreign Affairs and Worship stated that many members of the international community supported Argentina's sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. In addition to regional organizations such as OAS, CELAC, UNASUR and MERCOSUR, African nations had expressed their support in the Malabo Declaration, adopted in February 2013 at the Third Africa-South America Summit. Moreover, the States attending the Seventh Ministerial Meeting of the Zone of Peace and Cooperation of the South Atlantic, held in Montevideo in January 2013, had called for the resumption of bilateral negotiations, as had the Third Summit of South American and Arab Countries, held in Lima in October 2012.

50. The Minister for Foreign Affairs and Worship concluded by reiterating the offer made by President Fernández de Kirchner to resume the dialogue with the British Secretary of State for Foreign and Commonwealth Affairs without preconditions or demands and asked the Special Committee to request the Secretary-General, in the context of the mission of good offices entrusted to him by the General Assembly, to urge the United Kingdom authorities to resume bilateral negotiations.

51. At the 8th meeting of the Special Committee, the representatives of Cuba (on behalf of CELAC), the Syrian Arab Republic, Venezuela (Bolivarian Republic of), Ecuador, Bolivia (Plurinational State of), Nicaragua, China, the Russian Federation, Saint Vincent and the Grenadines, Sierra Leone, Peru (on behalf of UNASUR), Guatemala, Costa Rica and Brazil also made statements on the question of the Falkland Islands (Malvinas). The Minister for Foreign Affairs and Worship of Argentina made a further statement. At the 9th meeting, on 21 June, the representatives of Uruguay (on behalf of MERCOSUR), Mexico, El Salvador, Colombia, Angola and Papua New Guinea made statements on the same question.

52. On 12 November 2013, the Chair of the Special Committee on Decolonization, Diego Morejón Pazmiño, and Bureau members met with the Secretary-General. According to the official readout of the meeting, among other issues, the Secretary-General noted the importance the Special Committee attached to the question of the Falkland Islands (Malvinas) and, in that regard, reiterated that his good offices remained available if both parties engaged.

B. Special Political and Decolonization Committee (Fourth Committee)

53. On 7, 10, 11 and 14 October 2013, during the debate on decolonization issues in the Special Political and Decolonization Committee (Fourth Committee) of the sixty-eighth session of the General Assembly, the delegations of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Costa Rica, Cuba, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Peru, United Kingdom, Uruguay and Venezuela (Bolivarian Republic of) addressed the question of the Falkland Islands (Malvinas), as reflected in A/C.4/68/SR.3 and 6 to 8.

54. On 7 October, the representative of the Bolivarian Republic of Venezuela, speaking on behalf of the States members of MERCOSUR and the associated States Bolivia (Plurinational State of), Chile, Colombia, Ecuador and Peru, among other things, said that it was currently a particularly propitious time for redoubling international efforts in favour of decolonization, in line with the proclamation of the Third International Decade for the Eradication of Colonialism. In the joint communiqué of MERCOSUR States parties and associated States, adopted on 12 July 2013, the Heads of State and Government, inter alia, reaffirmed the terms of the Malvinas Declaration of 25 June 1996 and those of the Mendoza Declaration of 29 June 2012 pertaining to the "special and particular colonial situation" of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and called for a resumption of negotiations between Argentina and the United Kingdom.

55. The representative of Cuba, speaking on behalf of CELAC, among other things, stated that in a 2012 special communiqué (A/67/727, annex) adopted at the

first CELAC Summit, the Heads of State and Government of Latin America and the Caribbean, inter alia, had reaffirmed their support for the legitimate rights of the Argentine Republic in the dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, calling for the resumption of negotiations between Argentina and the United Kingdom. They had reiterated the importance of observing General Assembly resolution 31/49 and had asked the Secretary-General to provide an update on progress in carrying out his mission of good offices.

56. At the same meeting, the Deputy Permanent Representative of Argentina stated, among other things, that General Assembly resolution 1514 (XV) made it clear that more than one form of colonialism existed and established two principles to address the various cases: self-determination and territorial integrity. The speaker went on to say, inter alia, that the dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas had been recognized in successive resolutions of the General Assembly and the Special Committee on Decolonization as a "special and particular colonial situation", which the sole two parties involved, Argentina and the United Kingdom, must resolve through negotiations, taking into account the interests of the inhabitants of the islands.

57. Any attempt to allow the British population on the islands to arbitrate a dispute to which their own country was a party distorted the right of self-determination of peoples, given that the situation did not involve a people subjugated, dominated or exploited by a colonial Power. Accordingly, the speaker continued, the illegitimate "referendum" unilaterally organized by the United Kingdom in March 2013 in no way changed the essence of the question and did not affect Argentina's undeniable rights of sovereignty.

58. Further, the speaker stated that the United Kingdom was illegally carrying out unilateral activities involving the exploration and exploitation of renewable and non-renewable natural resources in the disputed area in violation of General Assembly resolution 31/49, and conducted military exercises, including the firing of missiles, which ran counter to the maritime safety standards of the International Maritime Organization and the regional policy of consistently seeking a peaceful settlement of the dispute. The speaker elaborated that other regions, too, had spoken out in support of Argentina's position. The Deputy Permanent Representative concluded by reaffirming Argentina's commitment to resolve the sovereignty dispute through dialogue, democratically, and pursuant to the terms of United Nations resolutions (see A/C.4/68/SR.3).

59. On 10 October 2013, the representative of Suriname, speaking on behalf of UNASUR, said that the military presence and exercises of the United Kingdom in the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, as well as its other unilateral activities, including exploration and exploitation of Argentina's natural resources in violation of resolution 31/49 contravened the UNASUR peaceful settlement policy. She went on to say that the unlawful referendum conducted by the United Kingdom in the Malvinas Islands in March 2013 had in no way changed the essence of the issue, nor had its outcome ended the sovereignty dispute. The speaker concluded by saying that, in 1985, the General Assembly had rejected by a large majority the

incorporation of the principle of self-determination in the resolution it had adopted concerning the question of the Malvinas Islands (see A/C.4/68/SR.6).

60. For his part, on 11 October 2013, the representative of the United Kingdom, among other things, stated that the British Government's relationship with its Overseas Territories, including the Falklands, was a modern one based on partnership, shared values and the right of the people of each Territory to determine whether it should remain linked to the United Kingdom. Where a Territory chose to remain British, the United Kingdom would maintain and deepen its special relationship with it.

61. The speaker went on to say that his Government had been working closely with its Overseas Territories to further develop its partnerships with them. Since the publication of a policy paper entitled *The Overseas Territories: Security, Success and Sustainability*, it had established an Overseas Territories Joint Ministerial Council, which included the Territory leaders and met annually to review and implement the strategy and commitments set out in the White Paper. The first Joint Ministerial Council, held in December 2012, had issued a detailed communiqué in which the United Kingdom and its Territories had explained the nature of their relationship and expressed their view that the General Assembly should remove Territories that wished to maintain their links with the United Kingdom from the list of Non-Self-Governing Territories. The speaker added that the United Kingdom welcomed the referendum held in the Falkland Islands in March 2013, in which 99.8 per cent of people had voted for their Territory to remain a British Overseas Territory (see A/C.4/68/SR.7).

62. Speaking in exercise of the right of reply, the representatives of Argentina and of the United Kingdom reiterated their Governments' respective positions a number of times during the deliberations of the Fourth Committee (see A/C.4/68/SR.3, 6 and 8).

C. Action taken by the General Assembly

63. By resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present working paper, no such notification by a Member State to the Assembly had been received.